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09/874,965	06/07/2001	Mordechay Emek	109730	5925

25944 7590 10/21/2004

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EXAMINER
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A, PHI DIEU TRAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/874,965

Applicant(s)

EMEK, MORDECHAY

Examiner

Phi D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24, 28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24, 28-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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1. The indicated allowability of claims 3-7, 9 is withdrawn in view of the reference(s) to Katoh, Guhl, and Borkoff. Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 102***

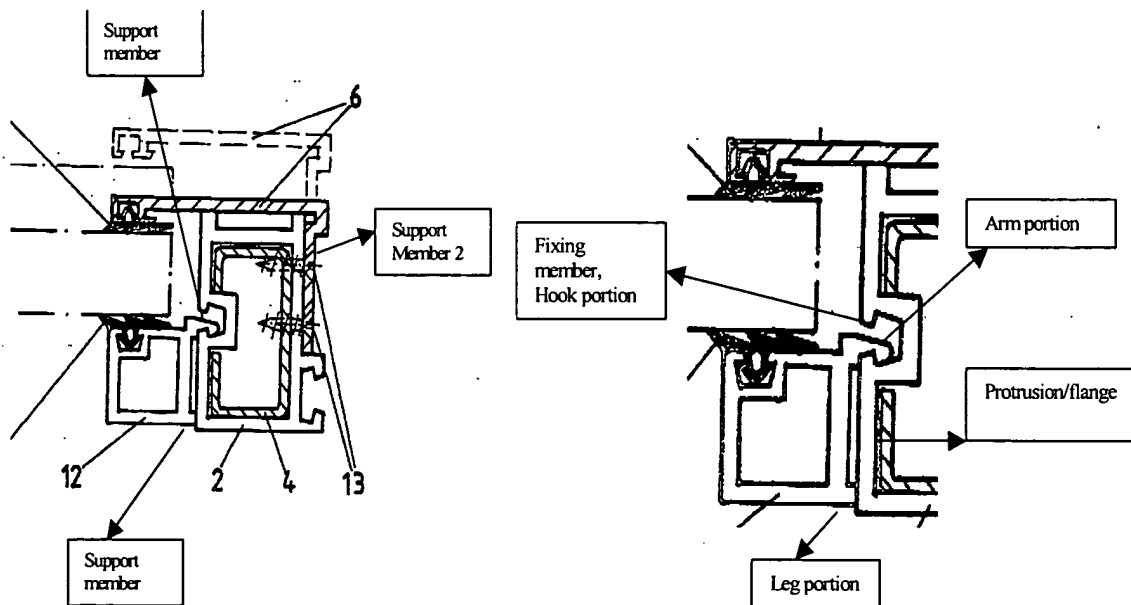
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 9-10, 13-16, 18-24, 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Borkoff (Germany 3142690).

Borkoff (figures below) shows a reinforced window system comprising a first frame (2),



the first frame being provided with a plurality of fixing members distributed on an inside perimeter of the first frame, a second frame (12, 6) which is separate from the first frame and is removably installable therein, the second frame carries a reinforced window pane secured within

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the second frame, the second frame being provided with a plurality of support members distributed on an outside perimeter of the second frame to face the fixing members of the first frame and to support the second frame when the support members are in engagement with the fixing members, at least some of the fixing members being provided with a securing means (13) for securing a position of the second frame within the first frame, at least some of the support members (support member 2 above) are removably attached to the outside perimeter of the second frame, the support members being configured as bifurcated members having a leg portion attachable to the second frame and an arm portion, extending toward the fixing members of the first frame and engageable therewith, said arm portion comprising a first arm and a second arm (the parts that form the arm portion), the securing means (13) comprising a fixation screw adapted to bear against a corresponding arm portion of the support member, the support members being fixed at their locations to the second frame, the window pane is fixed to the second frame by a mechanical glazing system, fitted with resilient gaskets at both faces of the window frame, the window pane sealingly bears against the first, a resilient sealing member being fitted between an outside face of the window pane and the first frame (indirectly), the system being adapted to be fitted behind an existing window system installed in the wall opening (inherently capable of being adapted to do so), a width dimension defining the support members and the adjacent support members being provided with different dimension, the system being a fool-proof system whereby the fixing members of the first frame and the corresponding support members of the second frame being distributed along respective inside and outside perimeter of the first frame and the second frame such that the fixing members extend opposite corresponding support members only at a correct mounting of the second frame within the first frame, at least

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some of the support members of the second frame absorb energy associated with a shock wave that strikes the window pane (inherently capable of doing so), .

Per claims 20-24, 29, Borkoff shows a framework comprising a first frame (2), the first frame comprising a plurality of fixing members distributed on an inside perimeter of the first frame, a second frame (12, 6) which is separate from the first frame and is removably installable therein, the second frame carries a reinforced window pane secured within the second frame and provided with a plurality of support members distributed on an outside perimeter of the second frame to face the fixing members of the first frame and to support the second frame by engagement with the fixing members, at least some of the fixing members of the first frame being provided with a securing means (13) for securing a position of the second frame within the first frame, the framework is adapted to be fitted behind an existing window system installed in the opening (inherently capable of being adapted to do so), the first frame and the fixing members being formed with flange portions and at least some of the fixing members being formed with the flange portions configured as hook like portions adapted to engage corresponding first arm of the support members, at least some of the frame portions of the first frame constitute elongated protrusions formed on the inner perimeter of the first frame, the protrusions formed on the inner perimeter of the first frame, the protrusions being directed toward corresponding second arms of support members, at least some of the support members of the second frame absorb energy associated with a shock wave that strikes the window pane (inherently capable of doing so).

3. Claims 1, 3-7, 10-11, 14-16, 18-24, 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Katoh (4248933).

Katoh (figure 11) shows a reinforcing window comprising a first frame (the part at the lower end of part 9), the first frame being provided with a plurality of fixing members(11) distributed on an inside perimeter of the first frame, a second frame (101) which is separate from the first frame and is removably installable therein, the second frame carries a reinforced window pane secured within the second frame, the second frame being provided with a plurality of support members (1f1, 1e1) distributed on an outside perimeter of the second frame to face the fixing members of the first frame and to support the second frame when the support members are in engagement with the fixing members, at least some of the fixing members being provided with a securing means (6) for securing a position of the second frame within the first frame, at least some of the support member having an arm portion with a first arm and a second arm (1e1 and its connecting horizontal part), some of the fixing members are removably attached to the inside perimeter of the first frame, the first frame and the fixing members being provided with flange portions (the hook part which mates with the support member) adapted to engage respectively the second arm and the first arm of the support members, some of the flange portions of the fixing members being configured as hook like portions adapted to engage the first arm of the support members, some of the flange portions (5) of the first frame constitute elongated protrusions formed on the inside perimeter of the first frame and said protrusions being directed towards the second arm of the support members, the second frame being displaceable in a radial inward direction by forces associated with a shock wave striking the window pane (inherently), the first arm and second arm of the at least some of the support members being respectively engage the corresponding flange portions of the fixing members and of the first frame, the first arms and second arms of the arm portions of at least some of the support members enable

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dissipation of the energy associated with energy associated with the shock waves striking the window pane (inherently capable of doing so), the dissipation being caused at a first stage by deformation of the respective arm portions, and at a second stage by shear of at least a part of at least one of the first arms (inherently capable of functioning as claimed depending on the angle of the force), the support members being fixed at their locations to the second frame, the window pane being fixed to the second frame by an adhesive (9a), the window pane sealingly bears against the first frame (indirectly per layer 9), a resilient sealing member (10) is fitted between an outside face of the window pane and the first frame, a width dimension defines the support members and the adjacent support members being provided with different width dimension, the system being a fool-proof system, the fixing members of the first frame and the corresponding support members of the second frame being distributed along respective inside and outside perimeter of the first frame and the second frame such that the fixing members extend opposite corresponding support members only at a correct mounting of the second frame within the first frame.

Per claims 20-24, 29, Katoh shows a framework comprising a first frame (the part below part 9 of figure 11), the first frame comprising a plurality of fixing members distributed on an inside perimeter of the first frame, a second frame (101) which is separate from the first frame and is removably installable therein, the second frame carries a reinforced window pane secured within the second frame and provided with a plurality of support members distributed on an outside perimeter of the second frame to face the fixing members of the first frame and to support the second frame by engagement with the fixing members, at least some of the fixing members of the first frame being provided with a securing means (6) for securing a position of

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the second frame within the first frame, the framework is adapted to be fitted behind an existing window system installed in the opening (inherently capable of being adapted to do so), the first frame and the fixing members being formed with flange portions and at least some of the fixing members being formed with the flange portions configured as hook like portions adapted to engage corresponding first arm of the support members, at least some of the frame portions of the first frame constitute elongated protrusions formed on the inner perimeter of the first frame, the protrusions formed on the inner perimeter of the first frame, the protrusions being directed toward corresponding second arms of support members, at least some of the support members of the second frame absorb energy associated with a shock wave that strikes the window pane (inherently capable of doing so).

4. Claims 1, 3-8, 10, 14, 16, 19-24, 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Guhl (6260251).

Guhl (figures 10-11) shows a reinforcing window system/framework comprising a first frame (102), the first frame being provided with a plurality of fixing members(108, 113, 116) distributed on an inside perimeter of the first frame, a second frame (109) which is separate from the first frame and is removably installable therein, the second frame carries a reinforced window pane(105) secured within the second frame, the second frame being provided with a plurality of support members (the parts that engage with parts 108 of the first frame) distributed on an outside perimeter of the second frame to face the fixing members of the first frame and to support the second frame when the support members are in engagement with the fixing members, at least some of the fixing members being provided with a securing means (the barbs at the ends) for securing a position of the second frame within the first frame, at least some of the



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support members having an arm portion with a first arm and a second arm and some of the fixing members (113, 116, 111) are removably attached to the inside perimeter of the first frame, the first frame and the fixing members being provided with flange portions adapted to engage respectively the second arm and the first arm of the support members, some of the flange portions of the fixing members are configured as hook like portions adapted to engage the first arm of the support members, some of the flange portions of the first frame constitute elongated protrusions formed on the inside perimeter of the first frame and said protrusions being directed towards the second arm of the support members, the second frame being displaceable in a radial inward direction by forces associated with a shock wave striking the window pane (inherently so) whereby the first arm and second arm of at least some of the support members respectively engage the corresponding flange portions of the fixing members and of the first frame, the first arms and second arms of the arm portions of at least some of the support members enable dissipation of the energy associated with the energy associated with the shock wave striking the window pane (inherently capable of doing so), said dissipation being caused at a first stage by deformation of the respective arm portions, and at a second stage by shear of at least a part of at least one of the first arms (inherently capable of functioning as claimed pending the angle and strength of the force), the fixing members (113, 116) being adjustable and removable, the support members are fixed at their locations to the second frame, the window pane sealingly bears against the first frame, the system is adapted to be fitted behind an existing window system (inherently capable of being adapted to do so), the system being a fool-proof system whereby the fixing members of the first frame and the corresponding support members of the second frame being distributed along respective inside and outside perimeter of the first frame and the second

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frame such that the fixing member extending opposite corresponding support members only at a correct mounting of the second frame within the first frame.

5. Claims 1, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Guhl (6260251).

Guhl (figures 10-11) shows a reinforcing window system comprising a first frame (109), the first frame being provided with a plurality of fixing members (the elongated channels which interacts with parts 108) distributed on an inside perimeter of the first frame, a second frame (102) which is separate from the first frame and is removably installable therein, the second frame carries a reinforced window pane (105) secured within the second frame, the second frame being provided with a plurality of support members (108) distributed on an outside perimeter of the second frame to face the fixing members of the first frame and to support the second frame when the support members are in engagement with the fixing members, at least some of the fixing members being provided with a securing means (the barbs) for securing a position of the second frame within the first frame, a concealing panel (107) removably secured on the second frame.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katoh in view of Pohl et al (6455819).

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Katoh shows all the claimed limitations except for the adhesive material being low module silicone glue.

Pohl et al discloses silicone glue forming a joint for glass structure (figures 14a-14c).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Katoh's adhesive to show the adhesive being a low module silicone glue because it would allow for the connecting of one glass structure to another structure as taught by Pohl et al.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-24, 28-29 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hhi Dieu Tran A

10/19/04